

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-27 are presently active; Claims 1, 12, and 21 having been presently amended. The changes to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, information under 37 C.F.R. § 1.105 was requested; Claims 12-20 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 1-27 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention; Claims 1-27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 1-27 were rejected under 35 U.S.C. § 102 as being anticipated by thirty-one U.S. patents; Claims 1-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the “examiner’s personal experience” involving the Performance Bicycle Company sales catalog; Claims 1-27 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,041,309 (hereinafter “the ‘309 patent”) and the claims recited in U.S. Patent No. 6,076,069 (hereinafter “the ‘069 patent”); and Claims 1-27 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims in co-pending U.S. applications 09/573,279; 09/573,706; 09/5873,727; and 09/596,664 (hereinafter the ‘279, ‘706, ‘727, and ‘664 applications, respectively).

¹ Specification, page 8, lines 3-10.

Applicants acknowledge with appreciation the courtesy of the Examiner Gravini to conduct an interview for this case on December 2, 2003 during which time the issues in the outstanding Office Action were discussed. Specifically, clarifying changes were discussed to better define the association of the commercial server system to the promotional server system permitting evaluation and/or promotion by a user of the commercial server system of promotions related to products and services of retailers or manufacturers. Such changes as indicated on the Interview Summary Sheet would overcome the 35 U.S.C. § 101 and 35 U.S.C. § 112 rejections and would appear to overcome the prior art rejections.²

Given this understanding, submitted by way of the present amendment are those changes discussed during the interview. Thus, it is respectfully submitted that independent Claims 1, 12, and 21 and the claims dependent therefrom patentably define over the applied prior art and over those patents and patent applications cited in the outstanding Office Action for double-patenting.

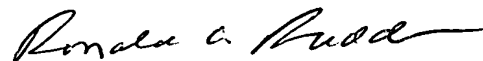
In consideration of the Request for Information, Applicants submit that, in light of the presently amended claims, there is no more information pertinent to the question of patentability than that previously submitted by the filed Information Disclosure Statements.

² During the interview, it was understood that the prior art rejections that appeared to be overcome included the double patenting rejections.

In view of the foregoing discussion, no further issues are believed to be outstanding in the present application. Therefore, Applicant respectfully requests that this application be allowed and passed to issue

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Robert C. Mattson
Registration No. 42,850
Ronald A. Rudder, Ph. D.
Registration No. 45,618

CUSTOMER NUMBER

22850

(703) 413-3000

Facsimile (703) 413-2220

RCM:RAR:clh

I:\ATTY\RAR\AMENDMENTS\212732US\AM.DOC